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JUL 21 2004

OFFICE OF PETITIONS

In re Application of :
Gupta et al. :
Application No. 10/762,499 :
Filed: January 23, 2004 : ON PETITION
Attorney Docket Number: :
A8625 :

This is a decision on the Petition Under 37 CFR 1.53(e)(2), filed May 25, 2004, requesting the application be accorded filing date of January 23, 2004, including page 14 of the specification.

The petition is granted.

The application was filed on January 23, 2004. However, on April 27, 2004, the Office of Initial Patent Examination mailed a Notice to File Missing Parts of Nonprovisional Application, noting that a filing date had been accorded the application; however, page 14 of the specification appeared to have been omitted from the application.

In response, Petitioner files the instant petition wherein Petitioner avers that page 14 of the specification was among the 80 pages of specification originally filed with the application on January 23, 2004, and was received by this Office as evidenced by the return-receipt postcard. In support, Petitioner provides a copy of a return receipt postcard acknowledging receipt of, *inter alia*, 80 pages of specification on January 23, 2004.

A review of the return receipt postcard reveals that Petitioner is correct. The postcard acknowledges receipt of 80 pages of specification on January 23, 2004. Petitioner has also re-submitted page 14 of the specification with the instant petition.

Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self-addressed postcard properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the postcard in the outgoing mail. "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

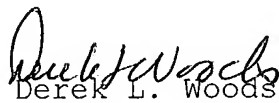
The copy of page 14 of the specification, supplied with the instant petition on May 25, 2004, will be used for examination purposes.

A refund of the petition fee has been credited to deposit account 07-1337 as authorized in the instant petition.

The application will be returned to the Office of Initial Patent Examination for further processing as a nonprovisional application with a filing date of January 23, 2004, and an indication that page 14 of the specification was present among the 80 pages of specification on filing, using page 14 of the specification filed on May 25, 2004.

Applicant is reminded that the oath or declaration and late filing fee, oath or declaration, and the basic filing fee remain due.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 305-0014.



Derek L. Woods
Petitions Attorney
Office of Petitions